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MARY E. D'ANDREA, CLERK Per Deputy Clerk

UNITED STATES DISTRICT COURT MIDDLE DISTRICT OF PENNSYLVANIA

JOHN CHARLES KENNEY,

MCC:JJT:mel:2001V00126

Plaintiff

:

v.

: Civil No. 1:CV-00-2143

: (McClure, J.)
: (Blewitt, M.J.)

JAKE MENDEZ;

JESUS "JESSE" GONZALEZ;

JAMES "JIMMY" SCARBOROUGH; and

KELLY M. KEISER,

Defendants

EXHIBITS TO BRIEF IN OPPOSITION TO PLAINTIFF'S MOTION FOR PRELIMINARY INJUNCTION

MARTIN C. CARLSON United States Attorney

JOSEPH J. TERZ
Assistant U.S. Attorney
MICHELE E. LINCALIS
Paralegal Specialist
316 Federal Building
240 West Third Street
Williamsport, PA 17703

Date: November 8, 2001

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JOHN CHARLES KENNEY, : CIVIL ACTION NO. 1:CV-00-2143

Plaintiff : (Judge Rambo)

:

v. : (Magistrate Judge Blewitt)

JAKE MENDEZ, Warden et al., :

Defendants :

DECLARATION OF ALICIA VASQUEZ

- I, Alicia Vasquez, do declare and state as follows:
- I am an Attorney Advisor at the United States Department of Justice, Federal Bureau of Prisons (BOP), Federal Correctional Complex, Allenwood, Pennsylvania. I have been employed with the BOP since August 2000. As a result of my position, I have access to Bureau of Prisons' files, including computer files maintained in the ordinary course of business on inmates incarcerated at FCC Allenwood.
- 2. I have reviewed the Motion for Preliminary Injunction filed by the Plaintiff, inmate John Kenney, Federal Register Number 05238-041, in which he seeks placement in general population.
- 3. Attached hereto as Attachment 1 is a true and correct copy of the Inmate Discipline Data Chronological Disciplinary



Record information for the Plaintiff printed from the Bureau of Prisons' SENTRY computer system. This attachment shows that on September 29, 1999, the Plaintiff incurred an Incident Report in violation of Code 101, Assaulting with Serious Injury. On December 7, 1999, the Plaintiff received the following sanctions from the Discipline Hearing Officer: disallowance of 40 days of Good Conduct Time, 60 days of Disciplinary Segregation, Loss of Commissary privileges 120 days, Loss of phone privileges 120 days, Loss of visiting privileges 120 days, as well as a disciplinary transfer.

4. Attached hereto as Attachment 2 is a true and correct copy of the Administrative Detention Order for the Plaintiff dated March 12, 2001. This document shows that the Plaintiff is being held in Administrative Detention as a writ return pending Reclassification. This document indicates that the Plaintiff received a copy of the Administrative Detention Order on March 12, 2001, 5:30 p.m.

I certify that the documents attached to this declaration are true and correct copies of documents kept in the ordinary course of business by the Federal Bureau of Prisons. I further declare under penalty of perjury in accordance with the provisions of 28 U.S.C. § 1746 that the above is accurate to the best of my knowledge and belief.

Alicia Vasquez

Attorney Advisor

Date

Kenney v. Mendez et al Civil No. 1: CV-00-2143 Middle District of Pennsylvania

Declaration of Alicia Vasquez

Attachment 1

```
ALFT.J
                         INMATE DISCIPLINE DATA
                                                        11-02-2001
                    CHRONOLOGICAL DISCIPLINARY RECORD *
REGISTER NO: 05238-041 NAME..: KENNEY, JOHN CHARLES
FUNCTION...: PRT FORMAT: CHRONO LIMIT TO
                                               MOS PRIOR TO 11-02-2001
                             ------
REPORT NUMBER/STATUS.: 757311 - SANCTIONED INCIDENT DATE/TIME: 02-21-2000 1621
DHO HEARING DATE/TIME: 03-14-2000 0945
FACL/CHAIRPERSON....: ALP/CERNEY
REPORT REMARKS..... DENIES PUSHING DURESS ALARM
HEARING IS ALSO BASIS FOR EXECUTION OF DS SUSPENDED 02-22-2000 0950
   317 FAILING TO FOLLOW SAFETY REGS - FREQ: 2
       DIS GCT / 13 DAYS / CS
       COMP:010 LAW:S
       DS
             / 15 DAYS / CS
LAW:
       COMP:
                           REPORT NUMBER/STATUS.: 754748 - SANCTIONED INCIDENT DATE/TIME: 02-12-2000 2015
DHO HEARING DATE/TIME: 02-22-2000 0950
FACL/CHAIRPERSON....: ALP/CERNEY
REPORT REMARKS..... DENIES
  203 THREATENING BODILY HARM - FREQ: 1 ATI: IN1
       DIS GCT / 14 DAYS / CS
       COMP:010 LAW:S
               / 30 DAYS / CS / SUSPENDED 180 DAYS
                EXECUTED BASED ON HEARING OF 03-14-2000 0945
       COMP: LAW: PENDING CLEAR CONDUCT
       LP PHONE / 60 DAYS / CS
       COMP: LAW: THROUGH 06-03-2000
                     ·----
REPORT NUMBER/STATUS.: 754693 - SANCTIONED INCIDENT DATE/TIME: 02-12-2000 1955
DHO HEARING DATE/TIME: 02-22-2000 0940
FACL/CHAIRPERSON....: ALP/CERNEY
REPORT REMARKS..... DENIES
  317 FAILING TO FOLLOW SAFETY REGS - FREQ: 1
       DIS GCT / 14 DAYS / CS
       COMP:010 LAW:S
      LP COMM / 60 DAYS / CS
      COMP: LAW: THROUGH 06-03-2000
                        REPORT NUMBER/STATUS.: 718283 - SANCTIONED INCIDENT DATE/TIME: 09-29-1999 1250
DHO HEARING DATE/TIME: 12-07-1999 0900
FACL/CHAIRPERSON....: ALP/CERNEY
REPORT REMARKS.....: INMATE WAIVED APPEARANCE AT HEARING.
  101A ASSAULTING WITH SERIOUS INJURY - FREQ: 1 ATI: SF3 RFP: A
      DIS GCT / 40 DAYS / CS
       COMP:010 LAW:S
           / 60 DAYS / CS
       COMP:
             LAW:
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G0002 MORE PAGES TO FOLLOW . . .

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ATOPIUT
                                                         11-02-2001
                         INMATE DISCIPLINE DATA
                   CHRONOLOGICAL DISCIPLINARY RECORD
PAGE 002
                                                            13:20:38
REGISTER NO: 05238-041 NAME..: KENNEY, JOHN CHARLES
FUNCTION...: PRT FORMAT: CHRONO LIMIT TO
                                               MOS PRIOR TO 11-02-2001
DHO HEARING DATE/TIME: 12-07-1999 0900 REPORT 718283 CONTINUED
       LP COMM
                / 120 DAYS / CS
       COMP: LAW: CONCLUDING 4/5/2000.
       LP PHONE / 120 DAYS / CS
       COMP: LAW: CONCLUDING 4/5/2000.
       LP VISIT / 120 DAYS / CS
       COMP: LAW: CONCLUDING 4/5/2000.
       TRANSFER / CS
       COMP: LAW:
      REPORT NUMBER/STATUS.: 730290 - SANCTIONED INCIDENT DATE/TIME: 11-13-1999 1115 DHO HEARING DATE/TIME: 11-30-1999 0845
FACL/CHAIRPERSON....: ALP/CERNEY
REPORT REMARKS.....: INMATE ADMITS TO REFUSING ORDER TO GIVE LUNCH TRAYS TO
                    THE OFFICER.
       REFUSING TO OBEY AN ORDER - FREQ: 1
       DIS GCT / 7 DAYS / CS
       COMP:010 LAW:S
            / 15 DAYS / CS
LAW:
       COMP:
                  REPORT NUMBER/STATUS.: 728688 - SANCTIONED INCIDENT DATE/TIME: 11-08-1999 0950
DHO HEARING DATE/TIME: 11-30-1999 0840
FACL/CHAIRPERSON....: ALP/CERNEY
REPORT REMARKS.....: INMATE DENIES CHARGES - STATED HE WOULD CUFF UP, BUT
                    WOULD NOT TAKE A CELLIE.
   307 REFUSING TO OBEY AN ORDER - FREQ: 1
       DIS GCT / 7 DAYS / CS
       COMP:010 LAW:S
       DS
            / 15 DAYS / CS
              LAW:
REPORT NUMBER/STATUS.: 659108 - SANCTIONED INCIDENT DATE/TIME: 02-17-1999 1550
UDC HEARING DATE/TIME: 02-23-1999 1345
FACL/UDC/CHAIRPERSON.: ALP/III/GONZALEZ REPORT REMARKS.....: INMATE ADMITTED TO THE CHARGE.
  306 REFUSING WORK/PGM ASSIGNMENT - FREQ: 1
       LP COMM / 30 DAYS / CS
       COMP: LAW: 30 DAYS LOSS OF COMMISSARY PRIVILEGES.
REPORT NUMBER/STATUS.: 659832 - SANCTIONED INCIDENT DATE/TIME: 02-16-1999 2245
UDC HEARING DATE/TIME: 02-23-1999 1330
FACL/UDC/CHAIRPERSON.: ALP/III/GONZALEZ
REPORT REMARKS.....: INMATE ADMITTED TO THE CHARGE.
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G0002 MORE PAGES TO FOLLOW . . .

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ALFLJ
                           INMATE DISCIPLINE DATA
                                                               11-02-2001
PAGE 003
                     CHRONOLOGICAL DISCIPLINARY RECORD
                                                                13:20:38
REGISTER NO: 05238-041 NAME..: KENNEY, JOHN CHARLES
FUNCTION...: PRT
                 FORMAT: CHRONO
                                     LIMIT TO
                                                  MOS PRIOR TO 11-02-2001
UDC HEARING DATE/TIME: 02-23-1999 1330 REPORT 659832 CONTINUED
   306 REFUSING WORK/PGM ASSIGNMENT - FREQ: 1
        LP COMM / 30 DAYS / CS
        COMP: LAW: 30 DAYS LOSS OF COMMISSARY PRIVILEGES.
REPORT NUMBER/STATUS.: 333152 - SANCTIONED INCIDENT DATE/TIME: 07-25-1995 1330
DHO HEARING DATE/TIME: 08-22-1995 0915
FACL/CHAIRPERSON....: LOM/BAKER J
REPORT REMARKS.....: INMATE DENIED POSSESSING THE WEAPON
   104 POSSESSING A DANGEROUS WEAPON - FREQ: 1
        DS
                / 28 DAYS / CS
                LAW: TIME SERVED
        COMP:
                 / 32 DAYS / CS / SUSPENDED 180 DAYS
        DS
        COMP:
               LAW:
REPORT NUMBER/STATUS.: 246444 - SANCTIONED INCIDENT DATE/TIME: 08-04-1994 0850
DHO HEARING DATE/TIME: 08-16-1994 0934
FACL/CHAIRPERSON....: LVN/GEOUGE, E.
REPORT REMARKS.....: INMATE GUILTY OF CODE 306.
   306 REFUSING WORK/PGM ASSIGNMENT - FREQ: 3
       DIS GCT
                / 14 DAYS / CS
       COMP:
                LAW:
       DS
                / 30 DAYS / CS
       COMP:
                LAW:
REPORT NUMBER/STATUS.: 188329 - SANCTIONED INCIDENT DATE/TIME: 11-22-1993 0800
DHO HEARING DATE/TIME: 03-29-1994 1025
FACL/CHAIRPERSON....: LVN/GEOUGE, E.
REPORT REMARKS.....: INMATE FOUND GUILTY OF CODE 306.
   306 REFUSING WORK/PGM ASSIGNMENT - FREQ: 3
       DIS GCT / 27 DAYS / CS
       COMP:
                LAW:
                / 30 DAYS / CS
       DS
       COMP:
               LAW:
                                  REPORT NUMBER/STATUS.: 178821 - SANCTIONED INCIDENT DATE/TIME: 10-07-1993 2100
DHO HEARING DATE/TIME: 10-19-1993 1000
FACL/CHAIRPERSON....: LVN/GEOUGE, E.
REPORT REMARKS.....: INMATE GUILTY OF CODE 306.
  306 REFUSING WORK/PGM ASSIGNMENT - FREQ: 2
       DIS GCT / 14 DAYS / CS
       COMP:
                LAW:
       DS
                / 21 DAYS / CS
       COMP:
               TAW:
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G0002 MORE PAGES TO FOLLOW . . .

 \mathtt{ALFLJ} INMATE DISCIPLINE DATA 11-02-2001 PAGE 004 OF 004 * CHRONOLOGICAL DISCIPLINARY RECORD 13:20:38 REGISTER NO: 05238-041 NAME..: KENNEY, JOHN CHARLES FUNCTION...: PRT FORMAT: CHRONO LIMIT TO MOS PRIOR TO 11-02-2001 REPORT NUMBER/STATUS.: 153836 - SANCTIONED INCIDENT DATE/TIME: 06-09-1993 1100 DHO HEARING DATE/TIME: 10-14-1993 1030 FACL/CHAIRPERSON....: LVN/GEOUGE, E. REPORT REMARKS.....: INMATE GUILTY OF CODE 307. 307 REFUSING TO OBEY AN ORDER - FREQ: 1 DIS GCT / 14 DAYS / CS COMP: LAW: DS / 15 DAYS / CS COMP: LAW: REPORT NUMBER/STATUS.: 152985 - SANCTIONED INCIDENT DATE/TIME: 06-04-1993 1535 DHO HEARING DATE/TIME: 06-29-1993 0950 FACL/CHAIRPERSON....: LVN/GEOUGE, E. REPORT REMARKS.....: INMATE GUILTY OF CODE 203/312/306. THREATENING BODILY HARM - FREQ: 1 ATI: ??? 203 DIS GCT / 27 DAYS / CS COMP: LAW: DS / 30 DAYS / CS COMP: LAW: 306 REFUSING WORK/PGM ASSIGNMENT - FREQ: 1 / 14 DAYS / CS DIS GCT COMP: LAW: DS / 15 DAYS / CS COMP: LAW: 312 BEING INSOLENT TO STAFF MEMBER - FREQ: 1 DIS GCT / 14 DAYS / CS COMP: LAW: / 15 DAYS / CS DS COMP: LAW:

Kenney v. Mendez et al Civil No. 1: CV-00-2143 Middle District of Pennsylvania

Declaration of Alicia Vasquez

Attachment 2

BP-S308.052 ADMINISTRATIV

TENTION ORDER CDFRM078



U.S. DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF PRISONS

	USP Allenwood, PA Institution
TO : Special Housing Unit Officer	Date/Time: <u>March 12,2001 5:30 P.M.</u> Unit - 3B
41110	
FROM : M. Luna Lieutenant	
SUBJECT : Placement of <u>Kenney</u> Reg. No. (05238-041, in Administrative Detention
(a) Is pending a hearing for a violation (of Bureau regulations;
(b) Is pending investigation of a violation	on of Bureau regulations;
(c) Is pending investigation or trial for	a criminal act;
(d) Is to be admitted to Administrative De	etention
(1) Since the inmate has requeste	ed admission for protection;
I hereby request placement in Administrati	
Inmate Signature/Register No.:	
Staff Witness Printed Name Signature:	
(2) Since a serious threat exists by staff, although person has not requested admission information will be forwarded to the UDC/DHO for app	s to individual's safety as perceived on; referral of the necessary propriate hearing.
(e) Is pending transfer or is in holdover	status during transfer.
XXXXX (f) Is pending classification; or	
(g) Is terminating confinement in Disciplinto Administrative Detention by the Warden's design	nary Segregation and has been ordered ee.
It is this officer's decision based on all the circumstantial presence in the general population poses a self, staff, other inmates, or to the security or or because*	SATIONS throat to life
Inmate Kenney is being placed in Administrative Deter Classification.	ntion as a Writ return pending Re-
Therefore, the above named inmate is to be placed in further notice. The inmate received a copy of this (March 12, 2001 5:30 P.M.	Administrative Detention until Order on (date / time)
Staff Witness Signature/Printed Name M. Catino / 1	M. C Date March 12, 2001
*In the case of DHO action, reference to that order ;	ia aveei i i - i - i - i - i - i - i - i - i

officer will make an independent review and decision, which is documented here.

Record Copy - Inmate Concerned (not necessary if placement is a result of holdover status); Copy - Captain; Copy - Unit Manager; Copy - Operation Supervisor - Administrative Detention Unit; Copy - Central File (This form may be replicated via WP)

Replaces BP-308(52) of JAN 88

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JOHN CHARLES KENNEY, : CIVIL ACTION NO. 1:CV-00-2143

Plaintiff : (Judge Rambo)

v. : (Magistrate Judge Blewitt)

JAKE MENDEZ, Warden et al., :

Defendants

DECLARATION OF S. ALBERT-BLOSSER

I, S. Albert-Blosser, do declare and state as follows:

- 1. I am a Paralegal Specialist at the United States Department of Justice, Federal Bureau of Prisons (BOP), Federal Correctional Complex, Allenwood, Pennsylvania. I have been employed with the BOP since September 1997. I have worked as a Paralegal Specialist since April 2001. As a result of my position, I have access to Bureau of Prisons' files, including computer files maintained in the ordinary course of business on inmates incarcerated at FCC-Allenwood.
- 2. I have reviewed the Motion for Preliminary Injunction filed by the Plaintiff, inmate John Kenney, Federal Register Number 05238-041, in which he seeks placement in general population.



- 3. The Bureau of Prisons has established an administrative remedy procedure through which an inmate can seek formal review of any complaint regarding any aspect of his imprisonment, if less formal procedures do not resolve the matter, pursuant to 28 C.F.R. §542.13.
- 4. In order to exhaust appeals under the Administrative Remedy Procedure for inmates, an inmate must first raise his/her complaint to their unit team through an Informal Resolution Attempt. If the concern is not informally resolved, the inmate may file an appeal to the Warden of the institution where he is confined. He may then further appeal an adverse decision to the Regional Director and Central Office of the Federal Bureau of Prisons. See 28 C.F.R. § 542, et seq. No administrative remedy appeal is considered to have been finally exhausted until it has been denied by the Bureau of Prisons' Central Office.
- 5. In the ordinary course of business, computerized indexes of all formal administrative appeals filed by inmates are maintained by the Institution, Regional and Central Offices so that rapid verification may be made as to whether an inmate has exhausted administrative appeals on a particular issue. Informal resolution attempts are not retained by a computerized index.

- 6. On October 31, 2001, I conducted a search of the records to determine whether or not the Plaintiff had exhausted available administrative remedies regarding the issue he raised in his Motion for Preliminary Injunction. This review has revealed that the Plaintiff has not exhausted available administrative remedies for the issue that he has raised in his injunction. I have attached the Plaintiff's Sentry transaction sheet on administrative remedies as Attachment 1 to this Declaration.
- 7. Specifically, the Plaintiff has filed a total of 28 administrative remedies, two of which are related to general population housing.
- 8. Sentry computer records indicate that the Plaintiff filed a BP-9 (administrative remedy number 233400-F1) regarding placement in general population on February 21, 2001. The Sentry computer record further indicates that this administrative remedy was rejected on the same date for failing to submit a complete set of the request (4 carbonized copies). (See Attachment 1, page 14).
- 9. On February 28, 2001, Sentry computer records indicate that the Plaintiff filed a second BP-9 (administrative remedy number 233400-F2) regarding placement in general population.

The Sentry computer record further indicates that this administrative remedy was closed and denied on March 15, 2001. (See Attachment 1, page 14).

- 10. Records show that the Plaintiff chose not to file a BP-10 with the Regional Office regarding his placement in general population.
- 11. Therefore, the Plaintiff has not exhausted the administrative remedy process regarding the issue he raises in his injunction.

I certify that the documents attached to this declaration are true and correct copies of documents kept in the ordinary course of business by the Federal Bureau of Prisons. I further declare under penalty of perjury in accordance with the provisions of 28 U.S.C. § 1746 that the above is accurate to the best of my knowledge and belief.

S. Albert-Blosser Paralegal Specialist

FCC-Allenwood

Kenney v. Mendez, et al. 1:CV-00-2143
Albert-Blosser Declaration

ATTACHMENT #1

ALFLJ *ADMIN PAGE 001 OF	ISTRATIVE REME	EDY GENERAL	IZED RETRIE	_	.0-31-2001 .4:47:51
DT RCV: FROM TO SUBME TO STS: FROM TO	_	DT STS	TO I	ORMAT: FULI KEYED BELO THRU)W
STS/REAS:					
EXTENDED: REMEDY LEV RCV OFC : EO	EL:	REC	EIPT:	"OR" EXTEN	SION:
TRACK: DEPT: PERSON:					
TYPE:					·
EVNT FACL: EQ					
RCV FACL.: EQRCV UN/LC: EQ					
RCV QTR: EQ					· · · · · · · · · · · · · · · · · · ·
ORIG FACL: EQORG UN/LC: EO					
ORG UN/LC: EQ ORIG QTR.: EQ					

*ADMINISTRATIVE REMEDY GENERALIZED RETRIEVAL * 10-31-2001 PAGE 002 OF * FULL SCREEN FORMAT

REGNO: 05238-041 NAME: KENNEY, JOHN

RSP OF...: ALP UNT/LOC/DST: I QTR.: Z01-120LAD RCV OFC: LOM REMEDY ID: 94392-F1 SUB1: 33AM SUB2: DATE RCV: 09-25-1995 UNT RCV.: K QTR RCV.: K FACL RCV: LOM RSP OF...: ALP UNT/LOC/DST: I

QTR RCV.: K QTR ORG.: K UNT ORG..: K FACL ORG: LOM

UNT ORG..: K QTR ORG.: K
EVT FACL.: LOM ACC LEV: LOM 1 WXR 1 RESP DUE: TUE 10-10-1995

ABSTRACT .: PA LEGAL MATERIAL

STATUS DT: 09-27-1995 STATUS CODE: CLD STATUS REASON: DNY INCRPTNO.: RCT: D EXT: DATE ENTD: 09-25-1995

REMARKS..:

REGNO: 05238-041 NAME: KENNEY, JOHN

RSP OF...: ALP UNT/LOC/DST: I QTR.: Z01-120LAD RCV OFC: WXR

REMEDY ID: 94715-R1 SUB1: 20DM SUB2: DATE RCV: 09-25-1995

UNT RCV..: K
UNT ORG..: K QTR RCV.: K FACL RCV: LOM QTR ORG.: K FACL ORG: LOM EVT FACL.: LOM ACC LEV: RESP DUE:

ABSTRACT.: DHO CODE 104/HEARING;08-22-1995 STATUS DT: 09-28-1995 STATUS CODE: REJ STATUS REASON: UTR INCRPTNO:: 333152 RCT: EXT: DATE ENTD: 09-28-1995

*ADMINISTRATIVE REMEDY GENERALIZED RETRIEVAL * ALFLJ10-31-2001 PAGE 003 OF FULL SCREEN FORMAT 14:47:51

REGNO: 05238-041 NAME: KENNEY, JOHN

RSP OF...: ALP UNT/LOC/DST: I QTR.: Z01-120LAD RCV OFC: WXR DATE RCV: 10-16-1995 FACL RCV: LOM

REMEDY ID: 94392-R1 SUB1: 33AM SUB2:

QTR RCV.: K UNT RCV..: K UNT ORG..: K QTR ORG.: K FACL ORG: LOM

RESP DUE: WED 11-15-1995

EVT FACL.: LOM ACC LEV: LOM 1 WXR 1
ABSTRACT.: REQUESTING PENNSYLVANIA STATE LAW BOOKS

STATUS DT: 11-01-1995 STATUS CODE: CLD STATUS REASON: DNY INCRPTNO.: RCT: D EXT: DATE ENTD: 10-19-1995

REMARKS..:

REGNO: 05238-041 NAME: KENNEY, JOHN

RSP OF...: ALP UNT/LOC/DST: I QTR.: Z01-120LAD RCV OFC: LOM

DATE RCV: 05-23-1996

REMEDY ID: 110268-F1 SUB1: 33ZM SUB2: UNT RCV..: K QTR RCV.: K QTR RCV.: K FACL RCV: LOM UNT ORG..: K QTR ORG.: K FACL ORG: LOM

EVT FACL.: LOM ACC LEV: LOM 1 WXR 1 BOP 1 RESP DUE: WED 06-12-1996

ABSTRACT.: LEGAL LEAVE TO PREPARE LEGAL WORK

STATUS DT: 06-05-1996 STATUS CODE: CLD STATUS REASON: DNY INCRPTNO.: RCT: D EXT: DATE ENTD: 05-23-1996

ALFILE *ADMINISTRATIVE REMEDY GENERALIZED RETRIEVAL * 10-31-2001 PAGE 004 OF FULL SCREEN FORMAT 14:47:51

REGNO: 05238-041 NAME: KENNEY, JOHN RSP OF...: ALP UNT/LOC/DST: I

QTR.: Z01-120LAD RCV OFC: WXR REMEDY ID: 110268-R1

DATE RCV: SUB1: 33ZM SUB2: 06-12-1996 UNT RCV..: K

QTR RCV.: H ADM DET FACL RCV: LOM UNT ORG..: K QTR ORG.: K FACL ORG: LOM

EVT FACL: LOM ACC LEV: LOM 1 WXR 1 BOP 1 RESP DUE: FRI 07-12-1996

ABSTRACT.: REQUESTING REASSIGNMENT TO THE LAW LIBRARY

STATUS DT: 06-17-1996 STATUS CODE: CLD STATUS REASON: DNY RCT: P EXT: DATE ENTD: 06-13-1996

REMARKS..:

REGNO: 05238-041 NAME: KENNEY, JOHN

RSP OF...: ALP UNT/LOC/DST: I QTR.: Z01-120LAD RCV OFC: WXR REMEDY ID: 112015-R1

SUB1: 21AM SUB2: 10ZM DATE RCV: 06-18-1996

UNT RCV..: K QTR RCV.: H ADM DET FACL RCV: LOM UNT ORG..: K QTR ORG.: H ADM DET FACL ORG: LOM EVT FACL.: LOM ACC LEV: RESP DUE:

ABSTRACT.: UDC HEARING 6-11-96. CODES: 306, 307/TRANSFER

STATUS DT: 06-18-1996 STATUS CODE: REJ STATUS REASON: INF INS OTH

INCRPTNO.: 411621 RCT: EXT: DATE ENTD: 06-18-1996

REMARKS..: YOU DID NOT SUBMIT YOUR REQUEST ON THE PROPER FORMS.

MULTIPLE ISSUES MUST BE ADDRESSED SEPARATELY.

ALFLJ*ADMINISTRATIVE REMEDY GENERALIZED RETRIEVAL * 10-31-2001 PAGE 005 OF FULL SCREEN FORMAT 14:47:51

REGNO: 05238-041 NAME: KENNEY, JOHN

RSP OF...: ALP UNT/LOC/DST: I

QTR.: Z01-120LAD RCV OFC: LOM

DATE RCV: 06-30-1996

REMEDY ID: 112836-F1 SUB1: 21AM SUB2: UNT RCV..: K QTR RCV.: H ADM DET QTR RCV.: H ADM DET FACL RCV: LOM UNT ORG..: QTR ORG.: FACL ORG:

EVT FACL.: LOM ACC LEV: RESP DUE:

ABSTRACT .: APPEAL OF UDC SANCTION SINGLE CELL ISSUE STATUS DT: 06-30-1996 STATUS CODE: VOD STATUS REASON: INCRPTNO.: RCT: EXT: DATE ENTD: 07-01-1996

REMARKS..: DUPLICATE OF #112836-F1

REGNO: 05238-041 NAME: KENNEY, JOHN

RSP OF...: ALP UNT/LOC/DST: I QTR.: Z01-120LAD RCV OFC: LOM

REMEDY ID: 112837-F1 SUB1: 21AM SUB2: DATE RCV: 06-30-1996

UNT RCV..: K QTR RCV.: H ADM DET FACL RCV: LOM FACL ORG: LOM UNT ORG..: K QTR ORG.: H ADM DET

EVT FACL: LOM ACC LEV: LOM 1 RESP DUE: SAT 07-20-1996

ABSTRACT .: APPEAL OF UDC SANCTION ... SINGLE CELL ISSUE

STATUS DT: 07-15-1996 STATUS CODE: CLG STATUS REASON: PAR INCRPTNO.: 411621 RCT: P EXT: DATE ENTD: 07-01-1996

*ADMINISTRATIVE REMEDY GENERALIZED RETRIEVAL * 10-31-2001 ALFLJ PAGE 006 OF FULL SCREEN FORMAT 14:47:51

REGNO: 05238-041 NAME: KENNEY, JOHN

RSP OF...: ALP UNT/LOC/DST: I QTR.: Z01-120LAD RCV OFC: LOM

REMEDY ID: 112970-F1 SUB1: 21AM SUB2: DATE RCV: 07-01-1996
UNT RCV.: K QTR RCV.: H ADM DET FACL RCV: LOM
UNT ORG.: K QTR ORG.: H ADM DET FACL ORG: LOM EVT FACL: LOM ACC LEV: RESP DUE:

ABSTRACT .: UDC APPEAL ... ITS SANCTIONS

STATUS DT: 07-02-1996 STATUS CODE: REJ STATUS REASON: OTH INCRPTNO.: 411621 RCT: EXT: DATE ENTD: 07-02-1996

REMARKS..: PREVIOUSLY SUBMITTED, #112837-F1

REGNO: 05238-041 NAME: KENNEY, JOHN

QTR.: Z01-120LAD RCV OFC: BOP DATE RCV: 07-01-1996 FACL RCV: LOM RSP OF...: ALP UNT/LOC/DST: I

REMEDY ID: 110268-A1 SUB1: 33ZM SUB2:

UNT RCV.: K QTR RCV.: H ADM DET FACL RCV: LOM
UNT ORG.: K QTR ORG.: K FACL ORG: LOM
EVT FACL.: LOM ACC LEV: LOM 1 WXR 1 BOP 1 RESP DUE: SAT 08-10-1996

ABSTRACT .: REQUESTING REASSIGNMENT TO THE LAW LIBRARY

STATUS DT: 07-29-1996 STATUS CODE: CLD STATUS REASON: DNY INCRPTNO.: RCT: P EXT: DATE ENTD: 07-12-1996

A L FT. T *ADMINISTRATIVE REMEDY GENERALIZED RETRIEVAL * 10-31-2001 PAGE 007 OF FULL SCREEN FORMAT 14:47:51

REGNO: 05238-041 NAME: KENNEY, JOHN

RSP OF...: ALP UNT/LOC/DST: I QTR.: Z01-120LAD RCV OFC: LOM

REMEDY ID: 120830-F1 SUB1: 10CM SUB2: DATE RCV: 10-27-1996

QTR RCV.: K UNT RCV..: K FACL RCV: LOM UNT ORG..: K QTR ORG.: K FACL ORG: LOM

EVT FACL.: LOM ACC LEV: LOM 1 WXR 1 BOP 1 RESP DUE: SAT 11-16-1996

ABSTRACT .: COMPLAINS CASE MANAGER WILL NOT PROCESS TRANSFER STATUS DT: 11-01-1996 STATUS CODE: CLD STATUS REASON: DNY INCRPTNO.: RCT: P EXT: DATE ENTD: 10-27-1996

REMARKS..:

REGNO: 05238-041 NAME: KENNEY, JOHN

RSP OF...: ALP UNT/LOC/DST: I QTR.: Z01-120LAD RCV OFC: WXR

REMEDY ID: 120830-R1 SUB1: 10CM SUB2: DATE RCV: 11-12-1996

UNT RCV..: K QTR RCV.: K FACL RCV: LOM UNT ORG..: K QTR ORG.: K

EVT FACL: LOM ACC LEV: LOM 1 WXR 1 BOP 1 RESP DUE: THU 12-12-1996

ABSTRACT.: COMPLAINS CASE MANAGER WILL NOT PROCESS TRANSFER STATUS DT: 11-21-1996 STATUS CODE: CLD STATUS REASON: DNY INCRPTNO.: RCT: P EXT: DATE ENTD: 11-14-1996

ALFLJ *ADMINISTRATIVE REMEDY GENERALIZED RETRIEVAL * 10-31-2001 PAGE 008 OF * FULL SCREEN FORMAT * 14:47:51

REGNO: 05238-041 NAME: KENNEY, JOHN

RSP OF...: ALP UNT/LOC/DST: I QTR.: Z01-120LAD RCV OFC: BOP

REMEDY ID: 120830-A1 SUB1: 10CM SUB2: DATE RCV: 12-05-1996

UNT RCV.: K QTR RCV.: K FACL RCV: LOM UNT ORG.: K QTR ORG.: K FACL ORG: LOM

EVT FACL: LOM ACC LEV: LOM 1 WXR 1 BOP 1 RESP DUE: TUE 01-14-1997

ABSTRACT: COMPLAINS CASE MANAGER WILL NOT PROCESS TRANSFER STATUS DT: 12-19-1996 STATUS CODE: CLD STATUS REASON: DNY INCRPTNO: RCT: P EXT: DATE ENTD: 12-16-1996

REMARKS..:

REGNO: 05238-041 NAME: KENNEY, JOHN

RSP OF...: ALP UNT/LOC/DST: I QTR.: Z01-120LAD RCV OFC: LOM

REMEDY ID: 129365-F1 SUB1: 13AM SUB2: DATE RCV: 03-04-1997

UNT RCV.: K QTR RCV.: K FACL RCV: LOM UNT ORG.: K QTR ORG.: K FACL ORG: LOM

UNT ORG.: K QTR ORG.: K FACL ORG: LOM
EVT FACL: LOM ACC LEV: LOM 1 RESP DUE: MON 03-24-1997

ABSTRACT .: CLAIMS POINTS ARE WRONG

STATUS DT: 03-16-1997 STATUS CODE: CLO STATUS REASON: WDN INCRPTNO.: RCT: P EXT: DATE ENTD: 03-05-1997

*ADMINISTRATIVE REMEDY GENERALIZED RETRIEVAL * 10-31-2001 PAGE 009 OF FULL SCREEN FORMAT

REGNO: 05238-041 NAME: KENNEY, JOHN

RSP OF...: ALP UNT/LOC/DST: I QTR.: Z01-120LAD RCV OFC: WXR

REMEDY ID: 144374-R1. SUB1: 34ZM SUB2: DATE RCV: 10-14-1997

QTR RCV.: K UNT RCV..: K FACL RCV: LOM UNT ORG..: K QTR ORG.: K FACL ORG: LOM EVT FACL.: LOM ACC LEV: RESP DUE: ABSTRACT .: CASE MANAGER SENDING HIM TO USP BEAUMONT, TEXAS.

STATUS DT: 10-14-1997 STATUS CODE: REJ STATUS REASON: SEN INS RCT: EXT: DATE ENTD: 10-15-1997 INCRPTNO.:

REMARKS..:

REGNO: 05238-041 NAME: KENNEY, JOHN

RSP OF...: ALP UNT/LOC/DST: I QTR.: Z01-120LAD RCV OFC: NER

REMEDY ID: 177896-R1 SUB1: 10ZM SUB2: DATE RCV: 01-21-1999
UNT RCV.: III QTR RCV: C02-224U FACL RCV: ALP
UNT ORG.: III QTR ORG: C02-224U FACL ORG: ALP
EVT FACL: ALP ACC LEV: RESP DUE: RESP DUE:

ABSTRACT.: WANTS TRANSFER

STATUS DT: 01-25-1999 STATUS CODE: REJ STATUS REASON: FRM INS SEN

RCT: EXT: DATE ENTD: 01-25-1999 INCRPTNO.:

*ADMINISTRATIVE REMEDY GENERALIZED RETRIEVAL * ALFLJ PAGE 010 OF FULL SCREEN FORMAT 14:47:51

REGNO: 05238-041 NAME: KENNEY, JOHN

RSP OF...: ALP UNT/LOC/DST: I QTR.: Z01-120LAD RCV OFC: ALP

REMEDY ID: 178233-F1

SUB1: 13HM SUB2: DATE RCV: 01-27-1999
QTR RCV: C02-224U FACL RCV: ALP
QTR ORG: C02-224U FACL ORG: ALP UNT RCV..: III UNT ORG. : III

EVT FACL: ALP ACC LEV: ALP 1 NER 1 BOP 2 RESP DUE: TUE 02-16-1999

ABSTRACT .: HOUSING ASSIGNMENT (EXCEPT SPECIAL HOUSING UNITS) STATUS DT: 02-04-1999 STATUS CODE: CLD STATUS REASON: DNY INCRPTNO.: RCT: P EXT: DATE ENTD: 01-28-1999

REMARKS..:

REGNO: 05238-041 NAME: KENNEY, JOHN

RSP OF...: ALP UNT/LOC/DST: I QTR.: Z01-120LAD RCV OFC: NER

REMEDY ID: 178233-R1

SUB1: 13HM SUB2: DATE RCV: 02-18-1999
QTR RCV: Z07-201LAD FACL RCV: ALP UNT RCV..: III UNT ORG..: III QTR ORG.: C02-224U FACL ORG: ALP

UNT ORG.: 111 QTR ORG.: CU2-224U FACL ORG: ALP EVT FACL: ALP ACC LEV: ALP 1 NER 1 BOP 2 RESP DUE: SAT 03-20-1999

ABSTRACT .: REQUEST SINGLE CELL DUE TO MENTAL HEALTH

STATUS DT: 03-17-1999 STATUS CODE: CLD STATUS REASON: DNY INCRPTNO .: RCT: P EXT: DATE ENTD: 02-23-1999

*ADMINISTRATIVE REMEDY GENERALIZED RETRIEVAL * 10-31-2001 PAGE 011 OF FULL SCREEN FORMAT 14:47:51

REGNO: 05238-041 NAME: KENNEY, JOHN

RSP OF...: ALP UNT/LOC/DST: I QTR.: Z01-120LAD RCV OFC: BOP

REMEDY ID: 178233-A1 SUB1: 13HM SUB2: DATE RCV: 04-13-1999
UNT RCV.: III QTR RCV.: C01-129U FACL RCV: ALP
UNT ORG.: III QTR ORG: C02-224U FACL ORG: ALP UNT ORG.: III QTR ORG.: C02-224U FACL ORG: AL EVT FACL.: ALP ACC LEV: ALP 1 NER 1 BOP 2 RESP DUE:

ABSTRACT .: REQUEST SINGLE CELL DUE TO MENTAL HEALTH

STATUS DT: 04-13-1999 STATUS CODE: REJ STATUS REASON: CPG RSA

INCRPTNO.: RCT: EXT: DATE ENTD: 04-16-1999

REMARKS..:

REGNO: 05238-041 NAME: KENNEY, JOHN

RSP OF...: ALP UNT/LOC/DST: I QTR.: Z01-120LAD RCV OFC: BOP

REMEDY ID: 178233-A2 SUB1: 13HM SUB2: 34ZM DATE RCV: 04-30-1999

UNT RCV..: III QTR RCV.: C01-129U FACL RCV: ALP QTR ORG.: C02-224U FACL ORG: ALP UNT ORG..: III FACL ORG: ALP

UNT ORG.: 111 QTR ORG.: CU2-224U FACL ORG: ALP EVT FACL: ALP ACC LEV: ALP 1 NER 1 BOP 2 RESP DUE: TUE 06-29-1999

ABSTRACT .: REQ.SINGLE CELL/EXCESSIVE FORCE BY STAFF

STATUS DT: 06-23-1999 STATUS CODE: CLD STATUS REASON: DNY INCRPTNO.: RCT: P EXT: P DATE ENTD: 05-06-1999

ALFIG *ADMINISTRATIVE REMEDY GENERALIZED RETRIEVAL * 10-31-2001 PAGE 012 OF FULL SCREEN FORMAT 14:47:51

REGNO: 05238-041 NAME: KENNEY, JOHN

RSP OF...: ALP UNT/LOC/DST: I QTR.: Z01-120LAD RCV OFC: ALP

REMEDY ID: 224261-F1 SUB1: 34DS SUB2: DATE RCV: 10-13-2000

UNT RCV..: I QTR RCV.: Z01-103UAD FACL RCV: ALP UNT ORG..: I QTR ORG.: Z01-103UAD FACL ORG: ALP EVT FACL.: ALP ACC LEV: RESP DUE:

ABSTRACT.: ASSAULT BY STAFF

STATUS DT: 10-13-2000 STATUS CODE: REJ STATUS REASON: UTF RCT: EXT: DATE ENTD: 10-18-2000

REMARKS..:

REGNO: 05238-041 NAME: KENNEY, JOHN

RSP OF...: ALP UNT/LOC/DST: I QTR.: Z01-120LAD RCV OFC: NER

REMEDY ID: 224261-R1 SUB1: 34DS SUB2: DATE RCV: 10-24-2000 UNT RCV.: I QTR RCV: Z01-104LAD FACL RCV: ALP UNT ORG.: I QTR ORG: Z01-103UAD FACL ORG: ALP EVT FACL.: ALP ACC LEV: RESP DUE:

ABSTRACT.: ASSAULT BY STAFF

STATUS DT: 10-25-2000 STATUS CODE: REJ STATUS REASON: UTR RCT: EXT: DATE ENTD: 10-25-2000 INCRPTNO.:

ALFLJ *ADMINISTRATIVE REMEDY GENERALIZED RETRIEVAL * 10-31-2001 PAGE 013 OF FULL SCREEN FORMAT 14:47:51

REGNO: 05238-041 NAME: KENNEY, JOHN

RSP OF...: ALP UNT/LOC/DST: I QTR.: Z01-120LAD RCV OFC: BOP

REMEDY ID: 224261-A1 SUB1: 34DS SUB2: DATE RCV: 11-13-2000

UNT RCV..: I QTR RCV.: Z01-111LAD FACL RCV: ALP UNT ORG..: I QTR ORG.: Z01-103UAD FACL ORG: ALP EVT FACL.: ALP ACC LEV: RESP DUE:

ABSTRACT .: ASSAULT BY STAFF

STATUS DT: 11-13-2000 STATUS CODE: REJ STATUS REASON: UTR RCT: EXT: DATE ENTD: 11-14-2000 REMARKS..: CONCUR WITH RATIONALE FOR REJECTING THIS APPEAL.

REGNO: 05238-041 NAME: KENNEY, JOHN

RSP OF...: ALP UNT/LOC/DST: I QTR.: Z01-120LAD RCV OFC: SPG

REMEDY ID: 232104-F1 SUB1: 34BM SUB2: DATE RCV: 01-31-2001

UNT RCV..: FORENSIC QTR RCV.: 10-E FACL RCV: SPG QTR ORG.: 10-E UNT ORG..: FORENSIC FACL ORG: SPG

EVT FACL.: SPG ACC LEV: SPG 1 RESP DUE: TUE 02-20-2001

ABSTRACT .: PSYCHOLOGIST MADE SEXUAL COMMENTS & ADVANCEMENTS STATUS DT: 02-09-2001 STATUS CODE: CLO STATUS REASON: WDN INCRPTNO.: RCT: P EXT: DATE ENTD: 02-02-2001

ALFLJ *ADMINISTRATIVE REMEDY GENERALIZED RETRIEVAL * 10-31-2001 * FULL SCREEN FORMAT PAGE 014 OF

REGNO: 05238-041 NAME: KENNEY, JOHN

RSP OF...: ALP UNT/LOC/DST: I QTR.: Z01-120LAD RCV OFC: SPG

DATE RCV: 02-21-2001 FACL RCV: SPG

REMEDY ID: 233400-F1 SUB1: 13HM SUB2:
UNT RCV.: FORENSIC QTR RCV.: 10-E
UNT ORG.: FORENSIC QTR ORG.: 10-E
EVT FACL: SPG ACC LEV: SPG 2 FACL ORG: SPG RESP DUE:

ABSTRACT .: REQUESTS TO BE HOUSED IN GENERAL POPULATION STATUS DT: 02-21-2001 STATUS CODE: REJ STATUS REASON: QUA INCRPTNO.: RCT: EXT: DATE ENTD: 02-21-2001 REMARKS..:

REGNO: 05238-041 NAME: KENNEY, JOHN

RSP OF...: ALP UNT/LOC/DST: I QTR.: Z01-120LAD RCV OFC: SPG REMEDY ID: 233400-F2 SUB1: 13HM SUB2: DATE RCV: 02-28-2001 UNT RCV.: FORENSIC QTR RCV: 10-E FACL RCV: SPG UNT ORG.: FORENSIC QTR ORG: 10-E FACL ORG: SPG

EVT FACL.: SPG ACC LEV: SPG 2 RESP DUE: TUE 03-20-2001

ABSTRACT.: REQUESTS TO BE HOUSED IN GENERAL POPULATION STATUS DT: 03-15-2001 STATUS CODE: CLD STATUS REASON: DNY INCRPTNO.: RCT: P EXT: DATE ENTD: 03-02-2001

*ADMINISTRATIVE REMEDY GENERALIZED RETRIEVAL * 10-31-2001 PAGE 015 OF 015 * FULL SCREEN FORMAT 14:47:51

REGNO: 05238-041 NAME: KENNEY, JOHN

RSP OF...: ALP UNT/LOC/DST: I QTR.: Z01-120LAD RCV OFC: ALP

REMEDY ID: 247494-F1 DATE RCV: 08-24-2001 SUB1: 10ZS SUB2:

QTR RCV.: Z01-119LAD FACL RCV: ALP UNT RCV..: I UNT ORG..: I QTR ORG.: Z01-119LAD FACL ORG: ALP

EVT FACL.: ALP ACC LEV: ALP 1 NER 1 RESP DUE: THU 09-13-2001

ABSTRACT.: TRANSFER - OTHER

STATUS DT: 09-05-2001 STATUS CODE: CLD STATUS REASON: DNY RCT: P EXT: DATE ENTD: 08-24-2001 INCRPTNO.:

REMARKS..:

REGNO: 05238-041 NAME: KENNEY, JOHN

RSP OF...: ALP UNT/LOC/DST: I QTR.: Z01-120LAD RCV OFC: NER

REMEDY ID: 247494-R1 SUB1: 10ZS SUB2:

SUB1: 10ZS SUB2: DATE RCV: 09-25-2001
QTR RCV.: Z01-120LAD FACL RCV: ALP
QTR ORG.: Z01-119LAD FACL ORG: ALP UNT RCV..: I UNT ORG..: I

EVT FACL.: ALP ACC LEV: ALP 1 NER 1 RESP DUE: THU 10-25-2001

ABSTRACT.: OBJECTS TO TRANSFER

STATUS DT: 10-24-2001 STATUS CODE: CLD STATUS REASON: DNY INCRPTNO.: RCT: P EXT: DATE ENTD: 09-27-2001

UNITED STATES DISTRICT COURT MIDDLE DISTRICT OF PENNSYLVANIA

JOHN CHARLES KENNEY,

Plaintiff

.

v.

: Civil No. 1:CV-00-2143

: (Rambo, J.)

(Blewitt, M.J.)

JAKE MENDEZ;

20152 - 55

JESUS "JESSE" GONZALEZ;

JAMES "JIMMY" SCARBOROUGH; and

KELLY M. KEISER,

Defendants

CERTIFICATE OF SERVICE

The undersigned hereby certifies that she is an employee in the Office of the United States Attorney for the Middle District of Pennsylvania and is a person of such age and discretion to be competent to serve papers.

That this 8th day of November 2001, she served a copy of the attached

EXHIBITS TO BRIEF IN OPPOSITION TO PLAINTIFF'S MOTION FOR PRELIMINARY INJUNCTION

by placing said copy in a postpaid envelope addressed to the person hereinafter named, at the place and address stated below, which is the last known address, and by depositing said envelope and contents in the United States Mail at Williamsport, Pennsylvania.

ADDRESSEE:

John Charles Kenney Reg. No. 05238-041 U.S. Penitentiary P.O. Box 3000 White Deer, PA 17887

MICHELE E. LINCALIS
Paralegal Specialist